

REMARKS

Claims 11-20 will be pending in this application after entry of this amendment. Applicants respectfully request reconsideration of these claims for the reasons set forth below.

Response to Claim Rejections

35 USC § 102 - Shadduck

Applicants request reconsideration of the rejection of claims 11-15 under 35 USC § 102(e) as being anticipated by U.S. Patent No. 7,264,351 (Shadduck) or U.S. Patent No. 7,278,739 (Shadduck).

Independent claim 11 recites: "a multi-focal contact lens wherein the lens is manufactured at least partially from a **responsive polymer gel and wherein said responsive polymer gel is not a dual shape memory polymer**". The claims as amended explicitly distinguish responsive gel polymers from dual-shape memory polymers as disclosed by the Shadduck references.

Applicant's responsive polymers, as described by the Specification, do not "store" any shape in memory or remember an original shape to which they could return by either applying or withdrawing a stimulation. As used in a lens of the present invention, these polymers provide the benefit of constantly changing shape during use to correct presbyopia. In other words, this feature enables a lens user to focus not only at a particular long distance point and a particular short distance point, but also any other point. Hence, responsive polymers, central to their responsive nature, **must not store any shape memory**, and are distinguishable from Shadduck's polymers, that are restricted to being dual-shape and thereby necessarily having memory.

To support these remarks, Applicants submit herewith an April 2007 article published in the 'Materials Today' Journal that describes how shape memory polymers change their shape in a pre-defined way from shape A to shape B, where shape B is selected by applying a process called "programming". When a stimulus is provided, the polymer will move between shape A and shape B but will not move to any other shape, and fails to realize the benefits of the applicant's claimed invention as described above.

For all these reasons, independent claim 11 is not anticipated by Shaddock's patents. Claims 12-15 depend from allowable claim 11 and are not anticipated for at least the same reasons. Accordingly, applicants request that the 35 USC § 102 rejection be withdrawn.

35 USC § 103 - Shaddock in view of Large

Applicants request reconsideration of the rejection of claims 16 and 17 under 35 USC § 102(e) as being unpatentable over the Shaddock references, in view of US Patent 5,712,721 (Large). Each of these claims depends from independent claim 11 and are allowable for at least the same reasons given above regarding claim 11. Even when combined with Shaddock, Large fails to cure the deficiencies of Shaddock stated above. Accordingly, applicants request that the 35 USC § 103 rejection be withdrawn.

Claims 18-20

Applicants acknowledge the allowability of claims 18-20.

Conclusion

Applicants respectfully request allowance of the claims for the reasons set forth above.

The Commissioner is hereby authorized to charge the fee for 1-month extension of time up to and including March 30, 2009, and any other fees in connection with this response, to Deposit Account No. 19-1345.

Respectfully submitted,



David E. Crawford, Reg. No. 38118
SENNIGER POWERS LLP
100 North Broadway, 17th Floor
St. Louis, Missouri 63102
(314) 345-7000

DEC/DXS/dss
Via EFS